



The Optometry Act, 1961-62

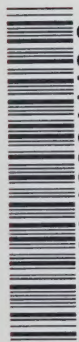
Statutes of Ontario, 1961-62

CHAPTER 101

—and—

Ontario Regulation 166/63

1963



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TORONTO

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The Optometry Act, 1961-62

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CHAPTER 101

1. In this Act,

Interpre-
tation

- (a) "Board" means the Board of Directors of the College;
- (b) "College" means the College of Optometrists of Ontario;
- (c) "member" means a member of the College;
- (d) "ophthalmic appliances" means lenses, spectacles, eye-glasses, artificial eyes, contact lenses, or appurtenances thereto, for the relief or correction of any visual or muscular error or defect of the eye;
- (e) "ophthalmic dispensing" means,
 - (i) supplying, preparing and dispensing ophthalmic appliances,
 - (ii) interpreting prescriptions of optometrists or duly qualified medical practitioners, and
 - (iii) the fitting, adjusting and adapting of ophthalmic appliances to the human face and eyes in accordance with the prescriptions of optometrists or duly qualified medical practitioners;
- (f) "optometrist" means a person who is entitled to practise optometry under this Act;
- (g) "prescribe" means the writing or determination of a formula or prescription for the relief or correction of any visual or muscular error or defect of the eye;

(h) "profession of optometry" means the services usually performed by an optometrist, including the measurement of or the attempt to measure by any means, other than the use of drugs, the refractive or muscular condition of the eye, the prescribing and ophthalmic dispensing of ophthalmic appliances, and prescribing ocular calisthenics for the relief or correction of any visual or muscular error or defect of the eye. R.S.O. 1960, c. 283, s. 1; 1960-61, c. 73, s. 1, *amended*.

College
constituted

2. The College is hereby constituted a corporation and, on the coming into force of this Act, the persons who then constitute the Board of Examiners in Optometry shall be members of the College and shall constitute the Board, and the persons who then are registered under *The Optometry Act* and the persons who are registered under this Act shall be members of the College. *New*.

R.S.O. 1960,
c. 283

Property

3.—(1) All property, real and personal, heretofore vested in the Board of Examiners in Optometry is vested in the College.

Idem

(2) The College may acquire and hold real and personal property for its corporate purposes, and may alienate, exchange, lease, mortgage or otherwise charge or dispose of it, as occasion may require. *New*.

Board,
composition

4.—(1) The affairs and business of the College shall be administered, managed and regulated by the Board, which shall consist of five members, of whom three form a quorum.

election

(2) The manner of electing the Board, the electoral districts, tenure of office and other ancillary matters shall be as set forth in the by-laws. *New*.

Annual
meetings

5.—(1) The first annual meeting of the College shall be held within three months of the coming into force of this Act, and thereafter not later than the 31st day of March in each year.

General
meetings

(2) Other general meetings of the College may be called from time to time.

Idem

(3) The manner of holding annual or other general meetings, notices thereof, voting and other ancillary matters shall be as set forth in the by-laws. *New*.

Officers

6. The Board shall elect from its members a president, a vice-president and a treasurer, and may appoint a registrar and a secretary and such other officers as may be required, and the duties thereof shall be as set forth in the by-laws. *New*.

7.—(1) The Board may pass by-laws, not inconsistent with ^{By-laws} this Act, respecting,

- (a) the management of its property;
- (b) banking and finance;
- (c) the holding and conducting of the annual and other meetings of the College;
- (d) the holding and conducting of meetings of the Board;
- (e) the election or appointment, duties and removal of officers and servants, and their remuneration; and
- (f) all other things necessary or advisable for the management of the affairs of the College.

(2) No by-law becomes effective until it has been passed ^{Idem} by the College at an annual or other general meeting called for that purpose.

(3) A copy of each by-law shall be mailed to each member ^{Idem} within fifteen days of the by-law becoming effective. *New.*

8.—(1) Every person who files with the registrar of the ^{Admission of new members} College an application in the prescribed form, stating therein that the applicant is more than twenty-one years of age, is of good moral character, has graduated from a school or college of optometry recognized by the Board and possesses the qualifications as to general education, training and experience prescribed by the regulations, may be admitted to examination by the Board as to his qualifications to practise optometry and, upon passing such examination, shall be registered by the Board as an optometrist and shall receive from the Board a certificate of such registration. R.S.O. 1960, c. 283, s. 5, *amended.*

(2) Each certificate is renewable annually as provided for ^{Annual certificate} in the regulations. *New.*

9.—(1) No person shall practise the profession of optometry ^{Right to practise restricted} unless he is registered under this Act.

(2) No person, unless he is registered under this Act, shall append to his name the term "optometrist" or use any name, title, addition, abbreviation or description implying or calculated to lead any person to believe that he is registered under this Act. 1960-61, c. 73, s. 7 (1), *amended.* ^{Titles, etc., restricted}

Offences

10.—(1) Any person who contravenes or omits, neglects or fails to observe or comply with any provision of this Act or the regulations, or who prescribes by mail, is guilty of an offence and liable on summary conviction, for a first offence, to a fine of not less than \$25 and not more than \$100, and, for a second or subsequent offence, to a fine of not less than \$50 and not more than \$500. R.S.O. 1960, c. 283, s. 8 (3); 1960-61, c. 73, s. 7 (2), *amended*.

Disposition
of fines

(2) All fines recovered for offences under this Act shall be paid to the College. 1960-61, c. 73, s. 7 (3), *amended*.

Suspension,
etc., of
registration

11.—(1) The Board may by order suspend or revoke the registration of any optometrist whom it finds guilty of unprofessional conduct as defined by the regulations or of incompetency or misrepresentation in connection with the practice of the profession of optometry.

Notice

(2) Before suspending or revoking a registration, the Board shall, by notice in writing, advise such person of the alleged violation and shall provide him with an opportunity of appearing before the Board at a public hearing and of presenting such evidence and making such representations as he may desire.

Review

(3) The Board may at any time review any finding or order made by it and make such further finding or order as it deems proper.

Power to
summon
witnesses,
etc.
R.S.O. 1960,
c. 323

(4) At a public hearing under this section, the president or vice-president of the Board has all the powers that may be conferred upon a commissioner appointed under *The Public Inquiries Act*.

Appeal

(5) An appeal lies from any order or finding of the Board under this section to a judge of the Supreme Court by way of originating notice, and such appeal shall be upon the evidence and representations presented and made to the Board, and the judge may give such directions as he deems expedient and may make such finding and order as he deems proper, and his decision is final. R.S.O. 1960, c. 283, s. 7; 1960-61, c. 73, s. 6, *amended*.

Educational
arrange-
ments,
college of
optometry

12.—(1) The Board may enter into agreements and arrangements with any university in Ontario for the establishment of a college of optometry, and may make agreements and arrangements with any educational institution for the establishment of courses of study for persons seeking to qualify themselves to practise as optometrists, and may establish and carry on its own college of instruction and

appoint such professors, lecturers, instructors, officers, servants and employees thereof as are deemed necessary and fix their remuneration.

(2) The Board may use any of its moneys for any of the ^{Idem} purposes and objects mentioned in subsection 1, and for such purposes and objects the Board has all the powers that may be necessary or convenient, including the power without licence in mortmain to acquire, hold, mortgage, charge, lease, sell or otherwise deal with real estate, and to borrow money and to secure payment thereof by mortgage or pledge of the real and personal property vested in the Board. R.S.O. 1960, c. 283, s. 9 (1, 2), *amended*.

(3) The Board shall from time to time appoint a dean of ^{Dean} the College of Optometry and fix his remuneration.

(4) The dean of the College of Optometry shall, under the ^{Idem} direction and control of the Board, have charge of all affairs of internal management of the College of Optometry, including supervision of the staff and the students attending the College of Optometry, and the examinations conducted there from time to time.

(5) The Board may from time to time fix the fees to be ^{Fees} paid by students attending the College of Optometry, including examination and degree fees. *New*.

13. Nothing in this Act applies to ophthalmic dispensing ^{Exemptions from operation of Act} by an ophthalmic dispenser, or to a duly qualified medical practitioner, or to any person who carries on business in Ontario as a *bona fide* wholesale manufacturer and supplier of ophthalmic appliances to duly qualified medical practitioners, optometrists and ophthalmic dispensers, and who does not prescribe. R.S.O. 1960, c. 283, s. 10 (1); 1960-61, c. 73, s. 9, *amended*.

14. Nothing in this Act authorizes the Board to regulate, ^{No control of prices} control or interfere with the prices that may be charged for eye-glasses or spectacles, the fees that may be charged for the examination of eyes, or the prescribing of eye-glasses or spectacles, or the terms upon which such charges or fees may be paid. R.S.O. 1960, c. 283, s. 10 (2).

15. Nothing in this Act prevents,

^{Retail merchants}

- (a) a retail merchant from operating, as part of his business, an optical department at his place of business where the profession of optometry is practised,

- (i) if the practice and the department are in charge of a registered optometrist or a duly qualified medical practitioner, and
- (ii) if the retail merchant files with the Board annually the name and address of the owner or manager of the business, either of whom shall be a resident of Ontario, and the name of the optometrist or duly qualified medical practitioner in charge of the optical department;
- (b) the sale of protective glasses for industrial purposes, coloured glasses not embodying any ophthalmic lens, goggles or simple magnifying glasses not sold or devised for the relief or correction of any visual or muscular error or defect of the eye; or
- (c) the sale or offering for sale by a retail merchant at his place of business of spectacles or eye-glasses; but the Lieutenant Governor in Council may make regulations governing or restricting such sale or offering for sale and prescribing the terms and conditions thereof and designating the nature and kind of spectacles and eye-glasses that may be sold under this section. R.S.O. 1960, c. 283, s. 10 (3), *amended*.

Regulations

16. The Board, subject to the approval of the Lieutenant Governor in Council, may make regulations,

- (a) prescribing the requirements for admission to the College of Optometry and the courses of instruction therein;
- (b) providing for the holding of examinations for candidates for registration as optometrists;
- (c) respecting the registration of candidates for registration as optometrists and the suspension and cancellation of the registration of optometrists and the issue and renewal of certificates of registration;
- (d) providing for the government and discipline of the members;
- (e) defining unprofessional conduct for the purposes of this Act;
- (f) prescribing fees under this Act;

- (g) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 283, s. 3 (1); 1960-61, c. 73, s. 2, amended.

17. *The Optometry Act* and *The Optometry Amendment Act*, 1960-61 are repealed. R.S.O. 1960 c. 283; 1960-61, c. 73, repealed

18. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

19. This Act may be cited as *The Optometry Act, 1961-62*. Short title

THE OPTOMETRY ACT, 1961-62

O. Reg. 166/63.

General.

Made—June 12th, 1963.

Approved—June 20th, 1963.

Filed—June 25th, 1963.

REGULATION MADE UNDER THE OPTOMETRY ACT, 1961-62

GENERAL

1. Any person desiring to be admitted as a student at the College of Optometry shall register at the College of Optometry and produce evidence of good character and shall present Ontario Grade 13 certificates or equivalent certificates in,

- (a) English Literature and English Composition;
- (b) Mathematics consisting of Algebra, Geometry, Trigonometry; and
- (c) Science consisting of Chemistry and Physics, and one of,
 - (d) Science consisting of Botany and Zoology;
 - (e) French Authors and French Composition;
 - (f) German Authors and German Composition;
 - (g) Greek Authors and Greek Composition;
 - (h) Latin Authors and Latin Composition;
 - (i) Spanish Authors and Spanish Composition; and
 - (j) History.

2. The course of instruction in the College of Optometry shall consist of,

- (a) general science courses including Zoology, Optics, Human Anatomy, Physiology, Neurology, Pathology and Psychology;
- (b) special science courses including Physiology and Neurology of the Eye, Physiological Optics, Embryology and Comparative Ophthalmology, Optometry;
- (c) applied science and clinical courses including,
 - (i) Mechanical and Applied Optics,
 - (ii) Personality and Abnormal Psychology,
 - (iii) Ocular Pathology, Clinical Optometry including Orthoptics, Visual Training, Subnormal Vision, Recognition of Ocular Pathology, Occupational Vision, Aniseikonia, Application of Contact Lenses, Optometrical Praxis and Dispensing;
- (d) related subjects including English, Scientific Method, Statistics, Optometrical Research, Industrial and School Surveys, Vision on the Highways, Vision applied to Aviation; and
- (e) such other subjects as the Board provides.

3. Every person applying to the Board to be admitted to examination by the Board as to his qualifications to practise optometry shall file with the Board an application in Form 1, together with a registration fee of \$50.

4. No person shall be admitted to examination as to his qualifications to practise optometry unless he,

- (a) has completed the course of study as provided in section 2;
- (b) has completed the course of study which is equivalent to the course provided in section 2; or
- (c) has been practising as an optometrist outside of Ontario and has received training as an optometrist equivalent to the course provided in section 2.

5.—(1) The examinations as to qualifications to practise optometry shall be held at least once a year and at such other times as the Board determines.

(2) Supplemental examinations may be held at such times and places as the Board determines.

6. A certificate of registration expires on the 31st day of January in each year and shall be renewed by the Board upon receipt of an application for renewal accompanied by a renewal fee of \$75.

7. A person whose registration has expired may be reinstated upon application therefor made on or before the 30th day of April next following the expiration and upon payment of a reinstatement fee of \$100.

8. A person whose certificate of registration has expired and is not reinstated on or before the 30th day of April next following the expiration may be re-registered upon passing the examinations of the Board as to qualifications to practise optometry and payment of a re-registration fee of \$100.

9. A member is guilty of unprofessional conduct who, with respect to the practice of the profession of optometry,

- (a) uses or permits to be used any description or vocational designation other than "optometrist" and academic degrees;
- (b) permits, counsels or assists any person who is not registered under the Act to practise the profession of optometry;
- (c) shares with any person other than the patient or the employer of the member the fees and charges received from the patient but this shall not apply to the terms of any lease made by a member or employer of a member;
- (d) publishes, displays, distributes, uses or permits or is associated with or employed by any person who publishes, displays, distributes or uses any advertisement, except,

- (i) professional cards which shall contain the name of the member and his vocational designation, and in addition may contain not more than his address, academic degrees, telephone number, office hours and the name of his employer,
- (ii) the publishing in a newspaper or weekly or monthly periodical of a professional card not exceeding one standard newspaper column in width and two inches in depth, including the margins and which is not part of an advertisement containing reference to ophthalmic appliances and does not appear more than twice in any one issue,
- (iii) issuing appointment cards which shall not contain more than the information contained in a professional card and the time and date of the appointments,
- (iv) the mailing to patients of reminder notices,
- (v) the distribution of announcement cards of commencing to practise, change of location, new association in practice or change of employment,

- (vi) one sign, on the premises where the member practices, giving his name and vocational designation, provided the lettering on such sign does not exceed eight inches in height,
- (vii) door plates and listing on building directories on the premises where the member practises,

but nothing in this section applies to the conduct of a business or part of a business other than the practice of the profession of optometry.

10. Regulation 474 of Revised Regulations of Ontario, 1960 is revoked.

BOARD OF DIRECTORS OF THE COLLEGE
OF OPTOMETRISTS OF ONTARIO:

E. F. ATTRIDGE
IRVING BAKER
G. MAURICE BELANGER
T. R. BOBIER
R. THOMSON

Dated at Toronto, this 12th day of June, 1963.

Form 1

COLLEGE OF OPTOMETRISTS

The Optometry Act, 1961-62

APPLICATION FOR REGISTRATION

1. Name.....
(in full, surname preceding)

2. Address.....City of.....Province of.....

3. Birth date.....Place of Birth.....

4. Nationality.....

5. Public schools attended:

Name.....From.....To....., 19....

Address.....

Name.....From.....To....., 19....

Address.....

6. High schools or collegiate institutes attended:

Name.....From.....To....., 19....

Address.....

Name.....From.....To....., 19....

Address.....

7. Matriculation or equivalent certificates submitted with application. (Attach certified copies of certificates, not originals.)

8. College or university attended:

..... From..... To....., 19.....
..... From..... To....., 19.....

9. Optometrical college attended:

..... From..... To....., 19.....
..... From..... To....., 19.....

10. Optometrical certificates submitted with this application. (Attach certified copies, not originals.)

11. Practised as an optometrist:

..... From..... To....., 19.....

and practised with the following as an optometrist:

Name..... From..... To....., 19.....

Address.....

Name..... From..... To....., 19.....

Address.....

12. I hold the following additional qualifications:

.....
.....
.....

13. References as to character, morality and good behaviour (not relatives).

Name..... Address.....

Name..... Address.....

Name..... Address.....

ATTACH
RECENT PHOTOGRAPH
OF YOURSELF
IN THIS SPACE

.....
(date)

.....
(Signature)

